

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 98-0617P
Withholding Tax
Calendar Year 1994

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ISSUE(S)

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-6; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer protests the penalty assessed for the failure to remit additional withholding tax deducted from a severance check.

I. **Tax Administration** – Penalty

DISCUSSION

At issue is whether the taxpayer was negligent in timely remitting tax due.

An audit completed on August 20, 1997 found that the taxpayer failed to include state income tax deducted from a severance check in its remittal of tax due.

Taxpayer provides no support in its letter of protest, however, the audit states it was a simple oversight. Failure to remit trust tax due is considered negligent and subject to a penalty.

FINDING

Taxpayer's protest is denied.